

CHAPTER 7

LEGAL MAXIMS CONCERNING THE BASIC RIGHTS OF THE NON-MUSLIM CITIZENRY OF AN ISLAMIC STATE

7.1 LEGAL MAXIMS

As demonstrated by the Qur'ān, the hadith reports and the practical examples of the Prophet ﷺ and the Rightly Guided Caliphs, we see that Islam not only endows non-Muslim citizens with the same rights as their Muslim counterparts, but also offers them equal protection. Islamic history is replete with examples of this. In the light of the revealed texts and precedents of the Rightly Guided Caliphs which we have mentioned in the previous chapters, many legal maxims can be derived concerning the fundamental rights of the non-Muslim citizens in an Islamic state. Of them:

1. It is the responsibility of the Islamic state to protect the life, honour and property of its non-Muslim citizens from internal aggression
2. It is the responsibility of the Islamic state to protect its non-Muslim citizens from external aggression
3. In the Islamic state, Muslims and non-Muslims are equal with respect to blood money and retribution
4. The sanctity of the blood of a Muslim and a non-Muslim is the same
5. In the Islamic state, Muslim and non-Muslim citizens enjoy the same general rights and responsibilities
6. In the Islamic state, its non-Muslim citizens enjoy complete freedom to adhere to their faith
7. In the Islamic state, its non-Muslim citizens enjoy complete religious freedom to perform their rituals of worship
8. It is the Islamic state's responsibility to provide security to non-Muslim diplomats
9. It is the Islamic state's responsibility to arrange for the security of the religious leaders and places of worship of non-Muslims
10. It is the Islamic state's responsibility to care for the disabled, elderly and poor non-Muslim citizens
11. It is the Islamic state's responsibility to ensure that the sanctity of all religions in its territory is respected

